

REQUEST FOR COUNCIL ACTION

MEETING

DATE: April 21, 2003

149-

AGENDA SECTION: PUBLIC HEARINGS	ORIGINATING DEPT: PLANNING	ITEM NO. E-3
ITEM DESCRIPTION: Zoning District Amendment #03-05 by the Minnesota Department of Transportation to amend the Floodway and Flood Fringe boundaries and related 100 Year Flood Protection Elevations for a portion of Willow Creek.		PREPARED BY: John Harford, Senior Planner

April 16, 2003

The purpose of the proposed zoning district map amendment is to recognize the road and bridge, and stormwater improvements proposed and scheduled for construction by MNDOT for the US 63 South project. In the Fall of 2002 the Minnesota Department of Transportation submitted to the Minnesota Department of Natural Resources for review a request for a floodplain amendment to the Flood Insurance Rate Map (FIRM) on a section of Willow Creek from the Willow Creek Golf Course to an area east of US 63 north of the existing 40th St., SW interchange. In October, 2002 the application, known as a Conditional Letter of Map Revision (CLOMR), was submitted to the Federal Emergency Management Agency (FEMA). The MNDNR accepted the hydrologic analysis and notified MNDOT in November, 2002. In order for the CLOMR to be acted on by FEMA the city must supply a resolution indicating its support of the changes. The proposed amendment is to Community Panel Numbers 27109C0302 and 304 dated February 4, 1998 and April 17, 1995.

The proposal before the Council has been amended to include only the area adjacent to 48th St., SW and north and downstream to the area east of US 63. The proposal reviewed by the CPZC covered a longer segment of Willow but has been amended to address concerns about public safety immediately downstream of the flood control structure. The MNDNR has reviewed the revised plans and has stated that the original and amended proposals are consistent with state floodplain rules. The major issues concerning the amendment at the CPZC had to do with the proposed stormwater ponds shown on the plans and with recent grading in the area not recognized by the proposal. This amendment does not address the ponds and does not approve them, it is an amendment only to the Floodway and the Floodplain boundaries shown on the FIRM and zoning map.

Section 60.338 of the zoning ordinance requires that a zoning map amendment satisfies certain criteria. The amendment is consistent with the goals and policies of the comprehensive plan and furthers those policies. The area was not zoned erroneously. The 100 year floodplain will change due to road, bridge and stormwater improvements proposed by MNDOT and it is in the public interest to recognize those improvements. The proposed highway improvements will not cause a flood stage increase during construction or after construction is completed that will affect any existing buildings.

City Planning and Zoning Commission Recommendation:

The CP&ZC reviewed this proposal and recommended approval on March 12, 2003.

Planning Department Recommendation: Staff recommends approval of the amendment to the Floodway and Flood fringe districts as proposed by the applicant.

Council Action Needed: The Council should request that the City Attorney prepare a resolution supporting the amended Floodway – Flood Boundary maps to be supplied to FEMA. (Note: After the construction project and surveys are complete MNDOT will submit a request for a LOMR from MNDNR and FEMA, after which the city can approve a final floodway and floodplain boundary on the zoning map.)

COUNCIL ACTION: Motion by: _____ Second by: _____ to:

19

ENGINEERS

ARCHITECTS

SURVEYORS



LANDSCAPE ARCHITECTS

PLANNERS

April 14, 2003

John Harford
Olmsted County Consolidated Planning Dept
2122 Campus Drive S.E.
Suite 100
Rochester, MN 55904-4744

RE: Floodplain Maps for Conditional Letter of Map Revision (CLOMR) Application
U.S. Highway 63 Reconstruction

Dear Mr. Harford:

Attached is a copy of the updated floodplain maps that will be submitted to FEMA to illustrate the proposed floodplain and floodway modifications for the U.S Highway 63 Conditional Letter of Map Revision (CLOMR). The maps include an annotated Flood Insurance Rate Map (FIRM) and our topographic work maps. These maps have been changed from the previous maps provided to you in the following ways:

- \$ The floodway modification that was proposed upstream of 48th Street has been eliminated. The floodway will remain as shown on the 1998 FIRM as requested by your March 18, 2003 letter to Art Kalmes.
- \$ The floodplain and floodway for the South Fork of Willow Creek south of the 40th Street extension was modified to reflect recent and proposed grading. The grades shown were based on a drawing provided by Barr Engineering Company as requested by Tom Hexum at the March Planning Commission public hearing.
- \$ Several other minor changes to the maps were made as requested by FEMA. These changes included modifying the floodplain to more accurately reflect proposed grading, showing the location of all modeled cross-sections, and extending the maps to the north to tie into the mapped floodplain.

Please contact me or Art Kalmes at Polaris Group (952.881.0619) if you have any questions.

Sincerely,

Handwritten signature of Dan Schiefert in black ink.

Dan Schiefert

C: Richard Freese
Art Kalmes
Jai Kalsy

ROCHESTER OFFICE:

717 Third Avenue SE

Rochester, MN 55904

507-288-6464

Fax 507-288-5058

MPLS/ST PAUL OFFICE:

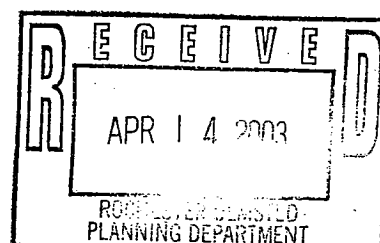
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MASON CITY OFFICE:

641-424-6344

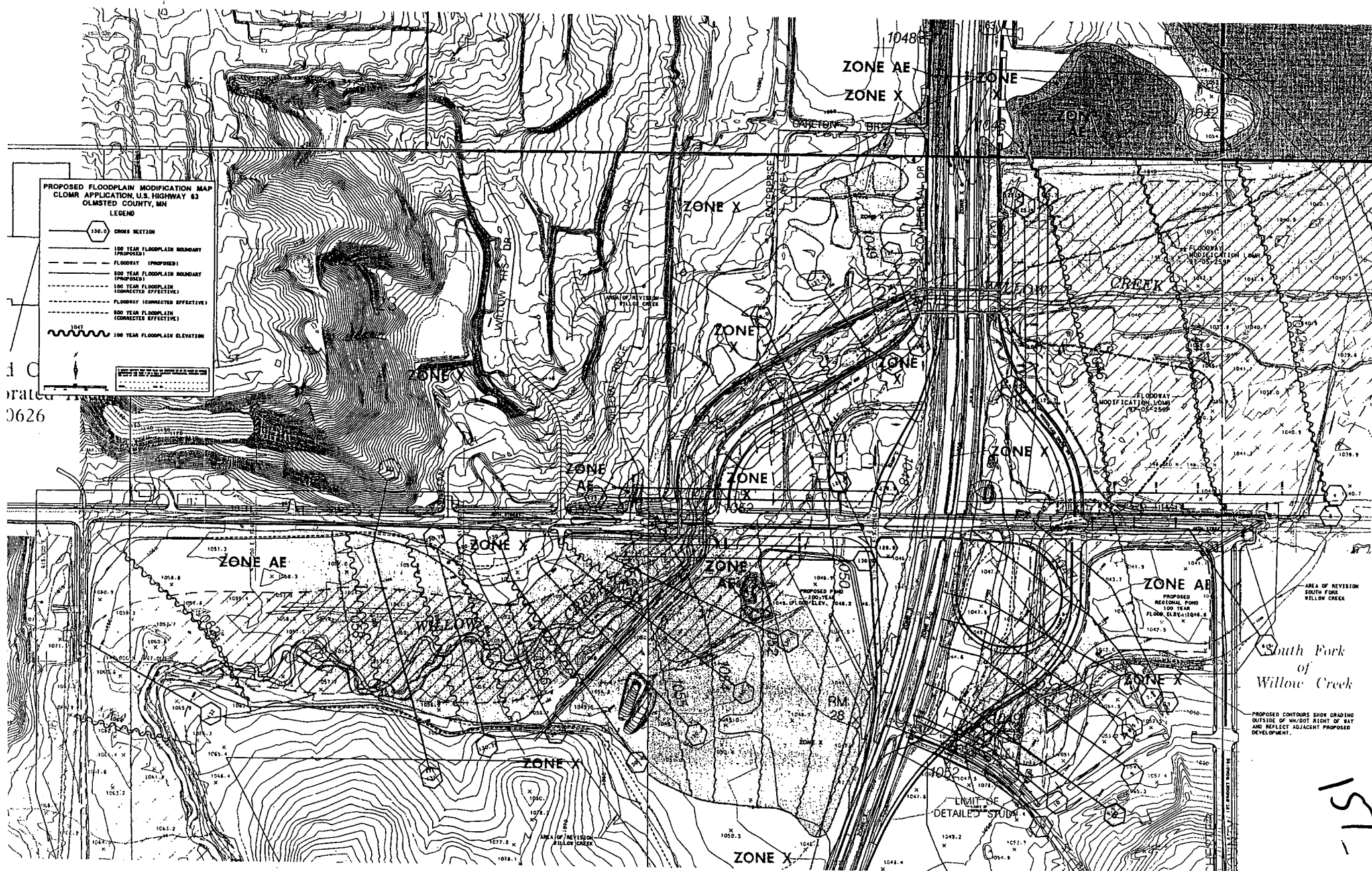
DELAFIELD OFFICE:

262-646-6855



Equal Opportunity Employer

yaggy.com



South Fork
of
Willow Creek

PROPOSED CONTOURS SHOW GRADING
OUTSIDE OF MAJOR RIGHT OF WAY
AND REFLECT ADJACENT PROPOSED
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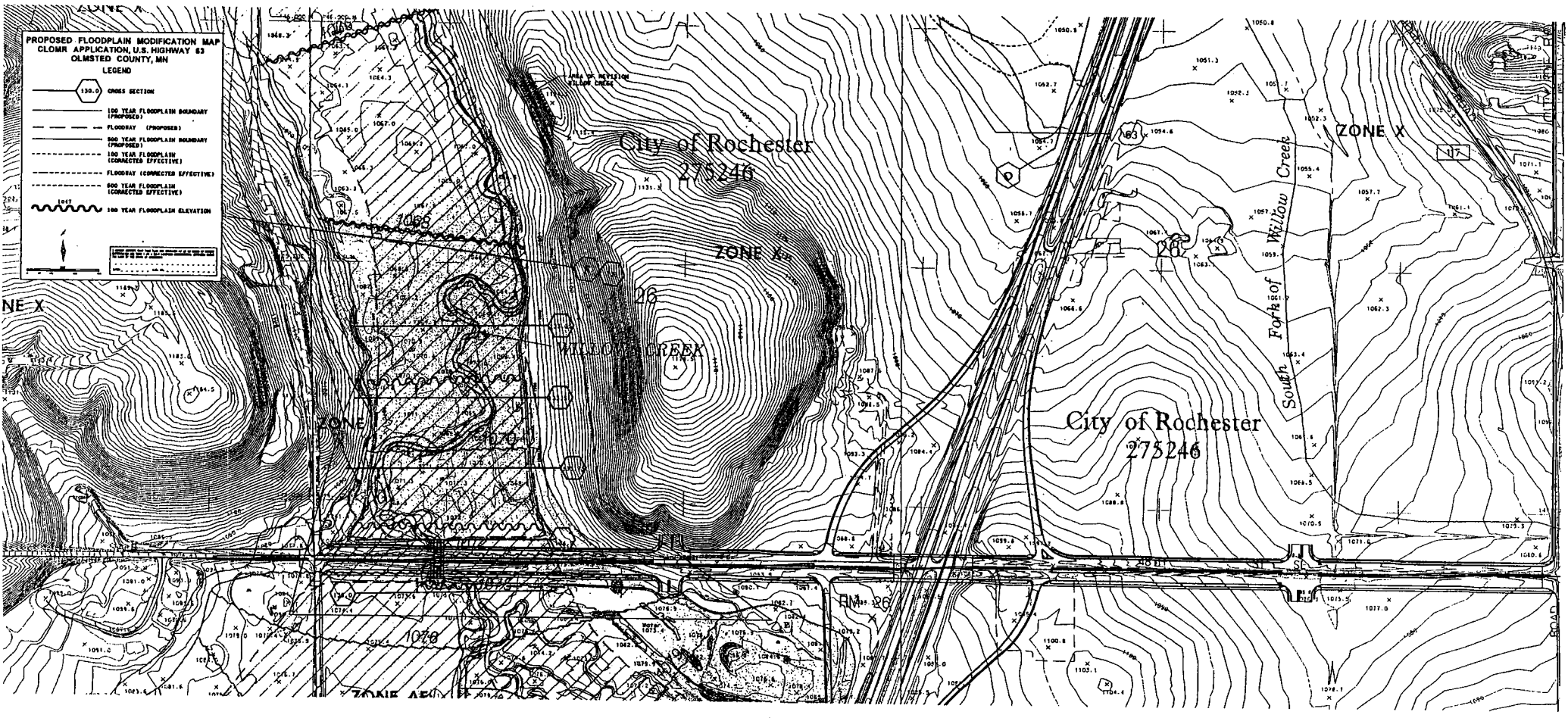
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152

PROPOSED FLOODPLAIN MODIFICATION MAP
CLOMR APPLICATION, U.S. HIGHWAY 83
OLMSTED COUNTY, MN

LEGEND

- 130.0 CROSS SECTION
- 100 YEAR FLOODPLAIN BOUNDARY (PROPOSED)
- FLOODWAY (PROPOSED)
- 500 YEAR FLOODPLAIN BOUNDARY (PROPOSED)
- 100 YEAR FLOODPLAIN (CONNECTED EFFECTIVE)
- FLOODWAY (CONNECTED EFFECTIVE)
- 500 YEAR FLOODPLAIN (CONNECTED EFFECTIVE)
- 100 YEAR FLOODPLAIN ELEVATION



ANTHONY OSTLUND & BAER, P.A.
ATTORNEYS AT LAW

ROBERT J. TANSEY, JR.
Email: rtansey@aoblaw.com

April 15, 2003

Common Council
City of Rochester
151 4th Street S.E.
Rochester, MN 55904

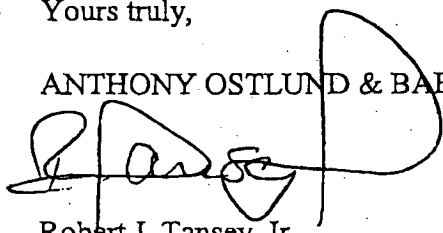
Re: Zoning District Amendment No. 03-05

To Whom It May Concern:

We represent Franklin P. Kottschade with respect to the above-referenced matter. We understand that Mr. Kottschade has recently received a Notice of Council Hearing which is scheduled on April 21, 2003. This is to inform you that Mr. Kottschade has unsuccessfully tried to obtain engineering information from the Minnesota Department of Transportation so that he could intelligently comment at the upcoming meeting of the Common Council. On behalf of Mr. Kottschade, we are requesting that the upcoming public hearing be delayed until such time as the Minnesota Department of Transportation provides to Mr. Kottschade or me the engineering information concerning the zoning district amendment that will enable us to evaluate the proposed amendment and comment upon it.

Yours truly,

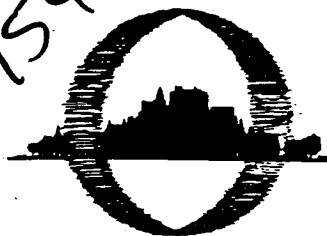
ANTHONY OSTLUND & BAER, P.A.


Robert J. Tansey, Jr.

RJT/djb

cc: Mr. Franklin P. Kottschade
Judy Scherr, City Clerk

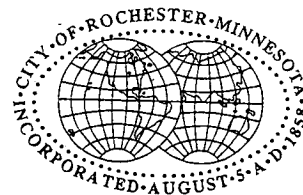
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ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

COUNTY OF
Olmsted



March 18, 2003

Mr. Art Kalmes
Polaris Group
8200 Humboldt Ave., South
Suite 302
Bloomington, MN 55431

Dear Mr. Kalmes:

The City of Rochester is in receipt of the Minnesota Department of Transportation zoning district amendment application covering the Floodway and Floodfringe on a portion of Willow Creek. On behalf of MNDOT the Polaris Group has submitted for approval a Conditional Letter of Map Revision (CLOMR) to the Minnesota Department of Natural Resources and to the Federal Emergency Management Agency. The Rochester Planning and Zoning Commission held a public hearing and took action on the application. The application will now be sent forward to the City Council for their consideration.

During the city review process, however, city staff indicated their concern over the amendment to the MNDOT proposed Floodway boundary in the area south of 48th St., SW. This segment of Willow Creek is immediately downstream of the Flood Control Structure WR-6A. The city staff believes it is necessary in this area to preserve the limits established in the 1998 FIRM as a measure of safety in the case of large storm events that would result in a release of stormwater through the overflow spillway and in the case of a catastrophic failure of the Flood Control Structure.

The City staff recommends that MNDOT agree to withdraw the amendment as proposed on that portion of the Floodway boundary south of 48th St., SW based on the City's concern for the protection of the public safety and welfare. The City Council will consider this application in about one month and will determine at that time if the Floodway should be amended as you propose in the application or to keep the Floodway boundaries as they appear in the 1998 FIRM. Also, given the staff recommendation the city will withhold signing the Community Acknowledgement Letter until the City Council adopts a resolution approving the proposal.

If you have any questions concerning the area in question or the City's request please contact me at (507)285-8626.

Sincerely,

John Harford
John Harford
Senior Planner

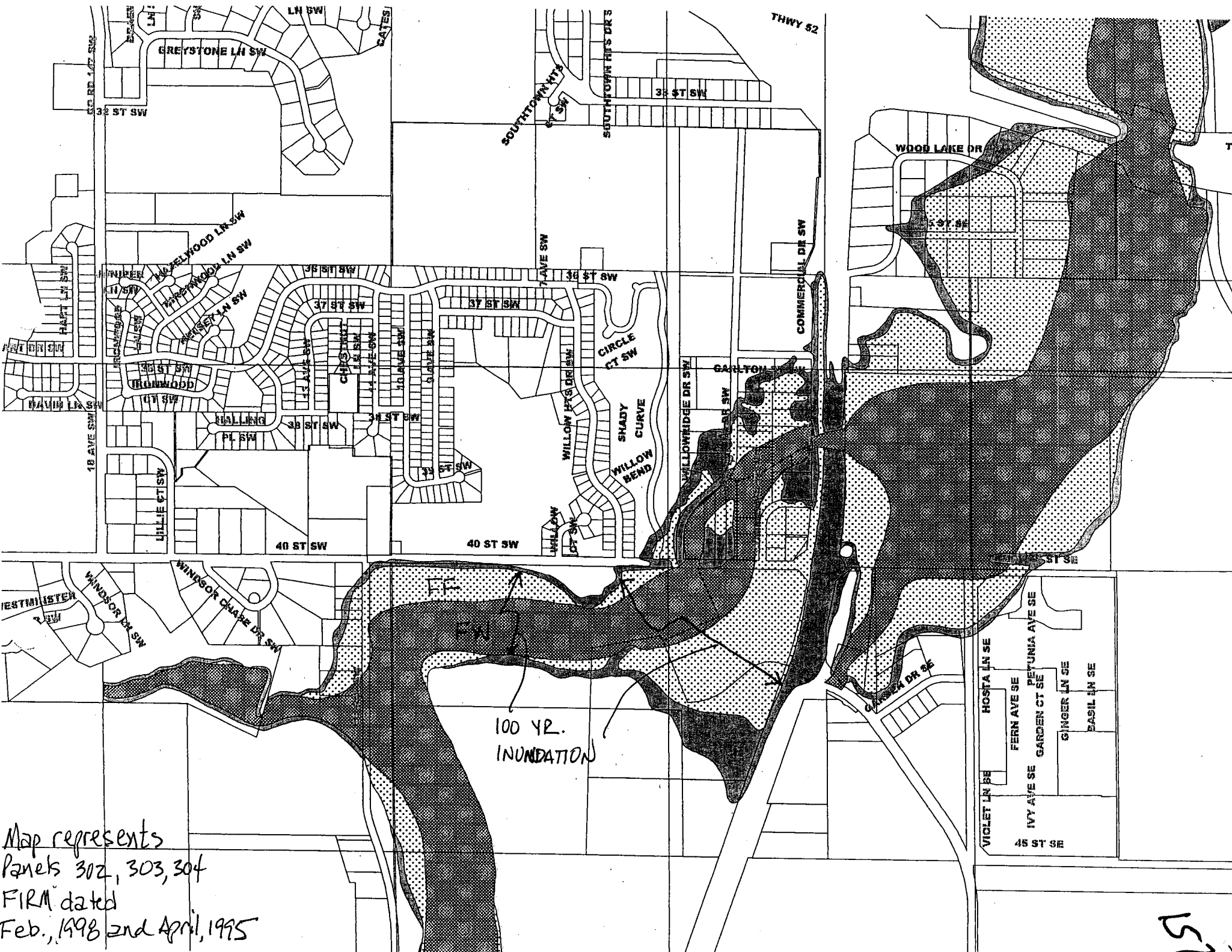
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PLANNING/ZONING 507/285-8232 • WELL/SEPTIC 507/285-8345

FAX 507/287-2275

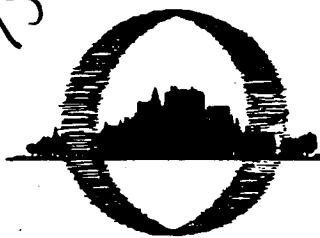
AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER





Map represents
Panels 302, 303, 304
FIRM dated
Feb., 1998 and April, 1995

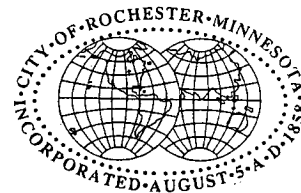
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ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

COUNTY OF
Olmsted



TO: City Planning and Zoning Commission

FROM: John Harford, Senior Planner

DATE: February 25, 2003

RE: Zoning District Amendment #03-05 by the Minnesota Department of Transportation to amend the Floodway and Flood Fringe boundaries and related 100 Year Flood Protection Elevations for a Portion of Willow Creek starting at approximately 1650' north of and downstream of the flood control structure WR-6A to a point approximately 1700' east of and downstream of the TH63 right-of-way.

Applicant/Owner:

Minnesota Department of Transportation
2900 48th St., NW
Rochester, MN 55901-5848

Surveyors/Engineers:

Polaris Group
8200 Humboldt Ave., S
Suite 302
Bloomington, MN 55431

Referral Comments:

Referral agencies responding had no comments.

Report Attachments:

Area Map – Figure 1;
1998 FIRM of area;
Proposed Changes to FIRM;
Alternative “D” map of road improvements;
Letters from Polaris Group to FEMA and MNDNR;
Public Notice by MNDOT;
Certification of No Impacts to Insurable Property;
Reason for New Hydrologic Analysis;



Development Review:

Proposed Use or Development:

The MNDOT proposes to change the Floodway and Flood Fringe boundaries of the existing zoning map under the provisions of 62.821. The proposed amendment to the 1998 FIRM reflects the changes in base flood elevations caused by culvert/bridge improvements and the related fill necessary to construct the US 63 improvements on 40th and 48th Streets, SW and on US 63. The Floodway will be modified along with slight modifications to the Flood Fringe.

Size and Location:

The 100 year floodplain area under consideration for this Conditional Letter of Map Revision (CLOMR) starts at approximately 1650' north of and downstream of the flood control structure by the Willow Creek Golf Course and extending to the area downstream of and east of US 63 north of the truck stop where it ties into the floodplain boundaries established through a previous Letter of Map Revision (LOMR) completed in 1998 for the Prow property.

Existing Land Use:

The proposal covers a golf course, land identified as future wetland replacement area, undeveloped farmland, an existing commercial/industrial area west of US 63, undeveloped land east of US 63, and developed and undeveloped lands east of US 63 and north of St. Bridgett's Road.

Land Use Plan:

The bulk of the land is identified as Commercial or Industrial on the Land Use Plan map, with some areas near the upstream terminus shown as Low Density Residential.

Zoning:

There are R-1, R-2, B-4 and M-1 zoning districts located within this floodplain under review.

140

General Development Plan:

A GDP covers the Kottschade property.

Wetlands/Floodplains:

There are wetland areas located within the floodplain, however the CLOMR will have no effect on those wetlands. The MNDOT is required to replace wetlands filled as a part of the US 63 improvements project.

Staff Analysis and Recommendation:

Amendments to the Floodplain boundaries of the Flood Insurance Rate Map (FIRM) must be reviewed by the Minnesota Department of Natural Resources and then the Federal Emergency Management Agency. The applicant has submitted this CLOMR to the MNDNR and they have accepted the hydrologic analysis. (See MNDNR letters dated November 7, 2002 and November 25, 2002.) The CLOMR was submitted in October, 2002 to FEMA for review.

The City of Rochester can take action to accept the proposed changes to the FIRM but cannot take final action on the zoning map amendment until FEMA approves the LOMR. This will occur after construction is completed and as-built survey information is generated and submitted for review by FEMA. The Council will pass a resolution accepting the proposed changes that may be submitted to FEMA, with final action on an ordinance after the LOMR is approved by FEMA.

The October 10, 2002 letter from Polaris Group to the Federal Emergency Management Agency explains the impacts and results of the highway improvement project. Briefly they are as follows for Willow Creek and then for the South Fork Willow Creek.

Willow Creek:

1. New east frontage road causes a modification to the flood fringe east of US 63;
2. The US 63 crossing of Willow Creek will include 4 large box culverts and the crossings by Commercial Dr., Woodlake Dr., and 40th St. will have the same cross sections or flood flow capacity. Along with creek improvements (Commercial Dr. and a berm on the north side of the creek acting as dikes) the flood plain will be reduced in size although the base flood elevation does not change significantly since the properties will need to be elevated;
3. A dike will be built south of 40th St., SW changing the Floodway flow along with a stormwater pond reducing the extent of the floodplain in this area;
4. 4 culverts will be placed under 48th St. allowing the same flood stage;
5. there are no major changes to the majority of the floodplain in the golf course or city park along 11th Ave., SW although the base flood elevation is reduced in certain areas.

161

South Fork Willow Creek:

1. The extension of St. Bridgett's Road will split the flow within the subwatershed, and along with the need for stormwater ponding the size of the floodplain will expand slightly east of the new St. Bridgett's Road;
2. The extension of 40th Ave. east will not allow overtopping of the road but the increased culvert size will provide additional capacity with the resulting floodplain widening in some areas and narrowing in others as shown on the map;
3. The fill placed for the exit ramp in the southeast quadrant of the interchange will cause the floodplain to be moved further east but again with minimal impact on new floodplain or base flood elevations.

Additional floodplain modifications were made at the request of MNDNR to "update and correct the Willow Creek floodway and floodplain upstream of 48th St., SW".

Federal rules require that where a base flood elevation is increasing by 0.5' or more the property owners are notified. Where the base flood elevation is increasing by 1.0' or more the affected property owners must concur with the project applicant. The information supplied indicates that there are locations where the base flood elevation will increase by 0.5' but not 1.0' or more.

The staff recommends that the CPZC approve the proposed amendment to the floodway and fringe areas as shown on the enclosed plans based on the submittal meeting the FEMA Technical Conditions and Criteria according to the MNDNR. The staff will recommend to the City Council that they accept the proposal, adopt a resolution that it is in keeping with the comprehensive plan and intent of the zoning ordinance, and transmit the resolution to FEMA and the MNDNR.

162

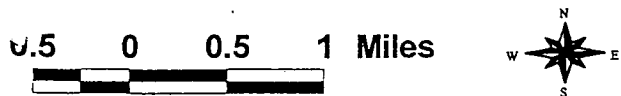
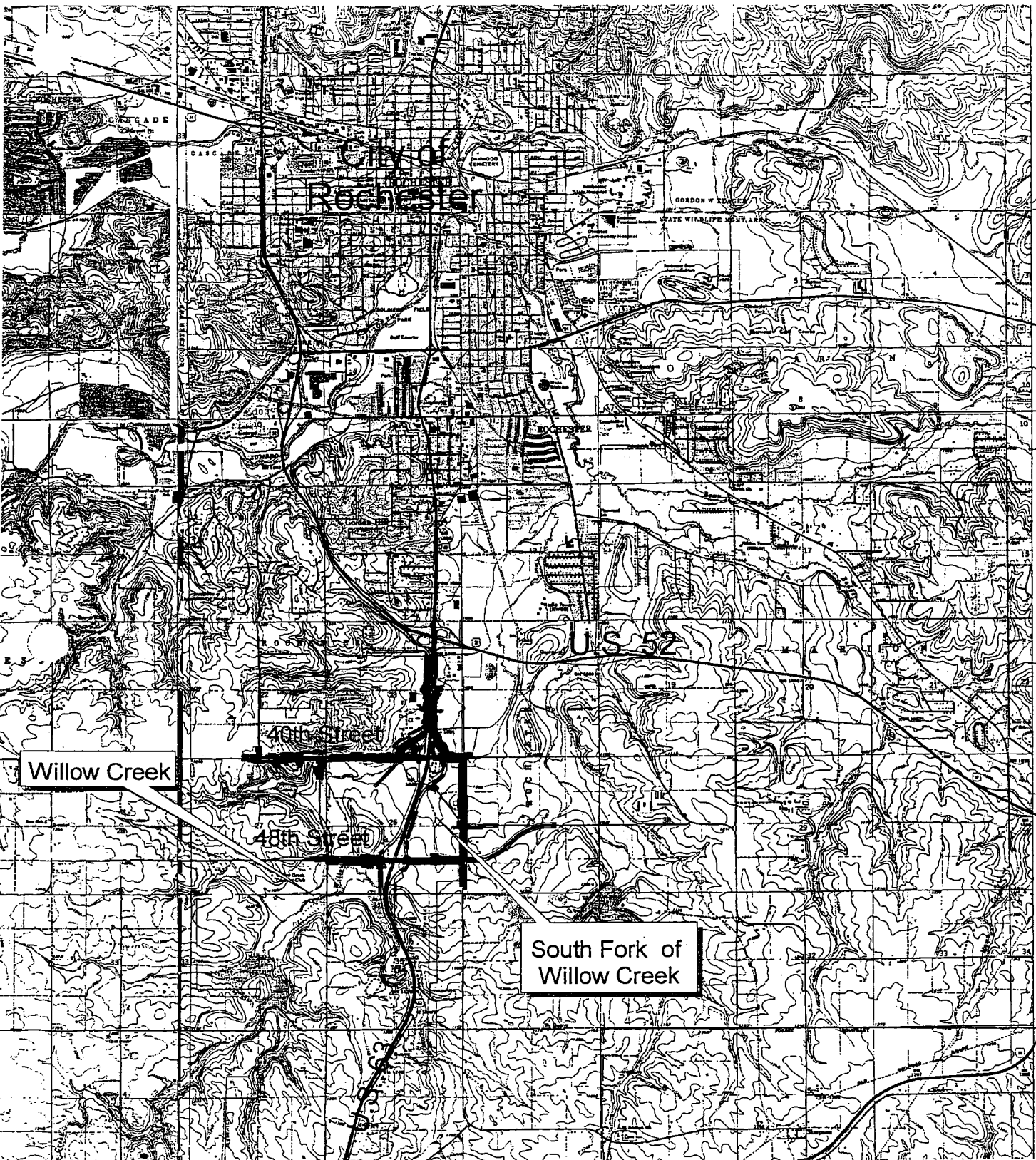
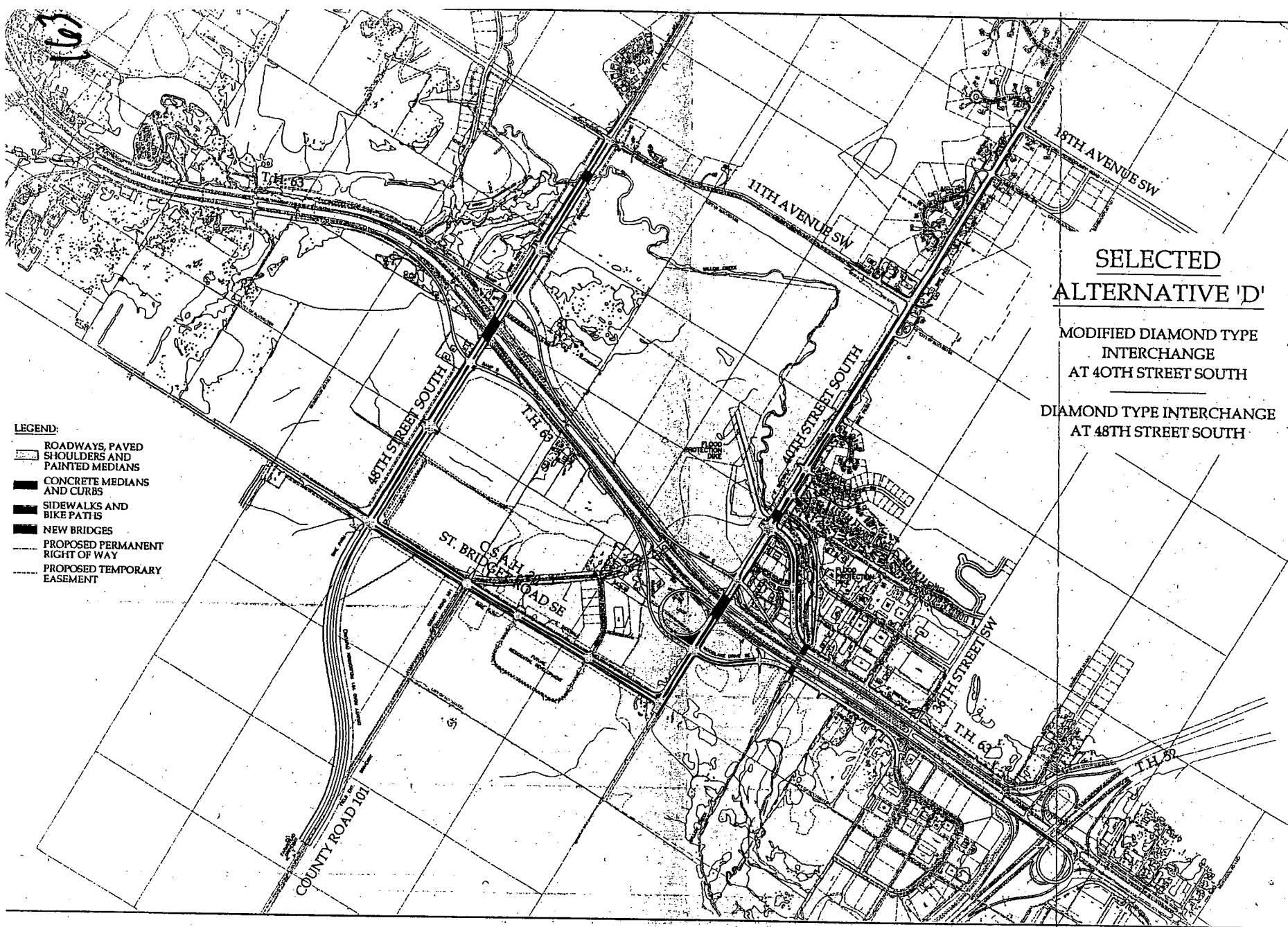


FIGURE 1
Highway 63 Reconstruction
Olmsted County, MN



- LEGEND:**
- ROADWAYS, PAVED SHOULDERS AND PAINTED MEDIANS
 - CONCRETE MEDIANS AND CURBS
 - SIDEWALKS AND BIKE PATHS
 - NEW BRIDGES
 - PROPOSED PERMANENT RIGHT OF WAY
 - PROPOSED TEMPORARY EASEMENT

**SELECTED
ALTERNATIVE 'D'**

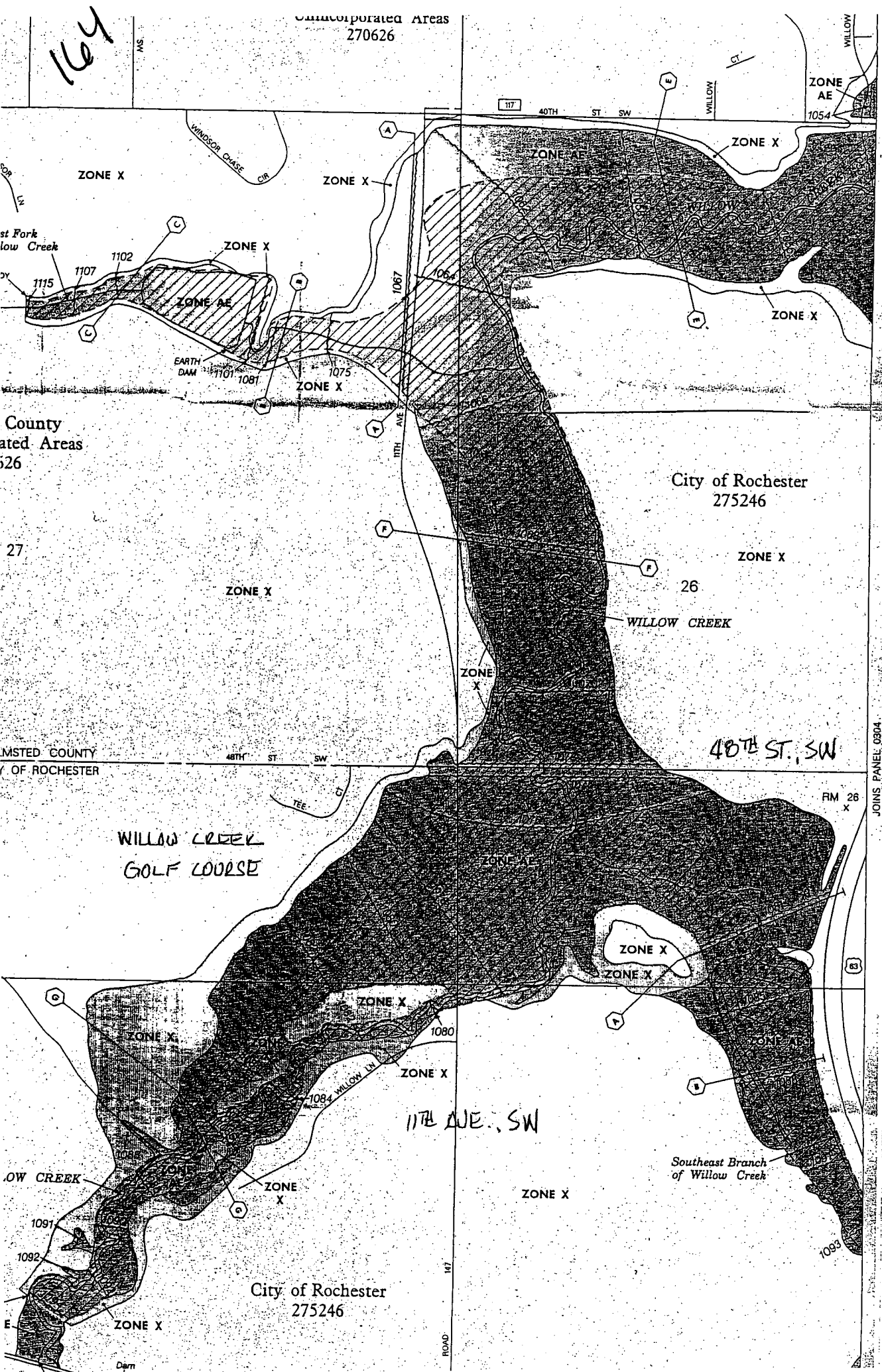
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AT 40TH STREET SOUTH

DIAMOND TYPE INTERCHANGE
AT 48TH STREET SOUTH



PROPOSED CONSTRUCTION
STUDY REPORT T.H. 63 SOUTH - ROCHESTER

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 REVISION DATE: 6-14-91 (ADDED THIS LOOP/UNLITTED SPLIT SIGNAL)



1990 FIRM
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PANEL 303

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Unincorporated Areas
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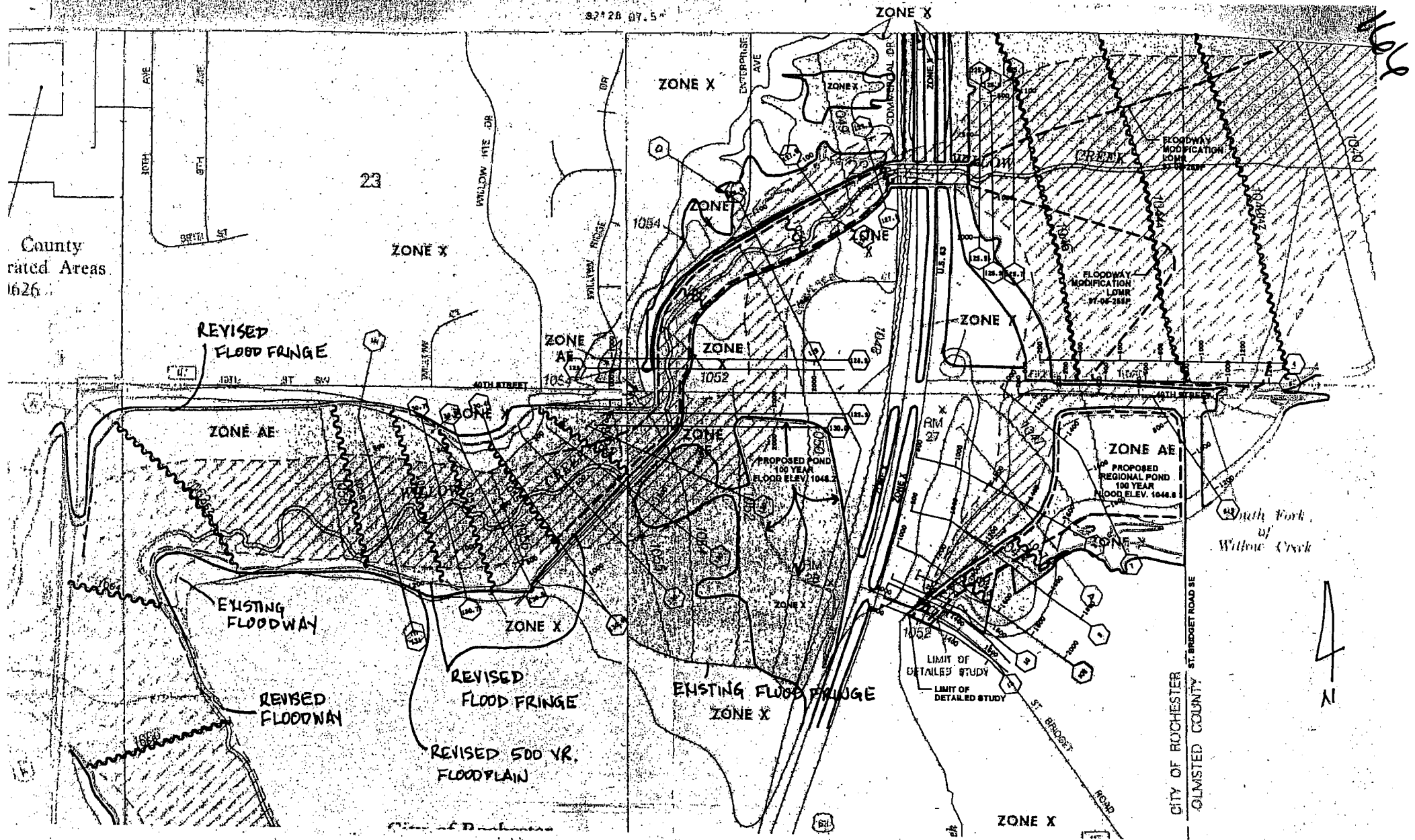
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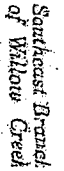
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REVISED FIRM

US 63

107





Minnesota Department of Natural Resources

500 Lafayette Road
DNR Waters, 500 Lafayette Road, St. Paul, MN 55155-4032
Telephone: (651) 296-4800 Fax: (651) 296-0445

November 25, 2002

Michael Depue, Program Manager, Region 5
FEMA Map Coordination Contractor
PBS&J
12101 Indian Creek Court
Beltsville, MD 20705

RE: LOMR REQUEST 03-05-0204R
City of Rochester
Olmsted County, Minnesota

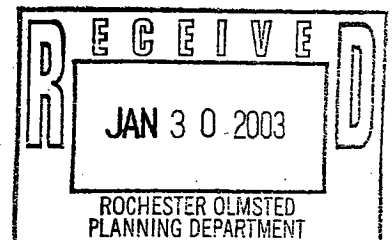
Dear Mr. DePue:

The Department of Natural Resources (DNR) is in receipt of a submittal for approval of the floodway selection for the South Fork of Willow Creek submitted by Art Kalmes of the Polaris Group. The floodway analysis is included in the hydraulic analysis for the above referenced LOMR request. The floodway selection meets the state's floodplain criteria.

Sincerely,

Ogbazghi Sium
Ogbazghi Sium, P.E.
Supervisor, Floodplain Management Program

c: Art Kalmes, Polaris Group
Jaspreet Randhawa, PBS&J
Philip Wheeler, Planning Department, Olmsted County
Bob Bezek, Area Hydrologist



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Minnesota Department of Natural Resources

500 Lafayette Road

DNR Waters, 500 Lafayette Road, St. Paul, MN 55155-4032

Telephone: (651) 296-4800 Fax: (651) 296-0445

November 7, 2002

Michael Depue, Program Manager, Region 5
FEMA Map Coordination Contractor
PBS&J
12101 Indian Creek Court
Beltsville, MD 20705

RE: LOMR REQUEST 03-05-0204R
City of Rochester
Olmsted County, Minnesota

Dear Mr. DePue:

The Department of Natural Resources (DNR) is in receipt of a submittal for approval of a hydrologic analysis for South Fork of Willow Creek submitted by Art Kalmes of the Polaris Group. The hydrologic analysis is part of the above referenced LOMR request.

The Polaris Group has made modifications to their analysis to address concerns raised during the review by the Minnesota Interagency Hydrologic Review Committee. The DNR accepts the hydrologic analysis as modified. Please direct any requests for the supporting documentation to Art Kalmes of the Polaris Group or Suzanne Jiwani of the DNR.

Sincerely,

Ogbazghi Sium

Ogbazghi Sium, P.E.
Supervisor, Floodplain Management Program

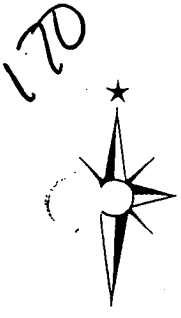
c: Art Kalmes, Polaris Group
Jaspreet Randhawa, PBS&J
Philip Wheeler, Planning Department, Olmsted County
Bob Bezcek, Area Hydrologist

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POLARIS * GROUP

8200 HUMBOLDT AVENUE SOUTH . SUITE 302 . BLOOMINGTON, MN 55431 . 952.881.0878 . FAX: 952.881.0023

October 10, 2002

Federal Emergency Management Agency
Mitigation Directorate
Hazard Identification and Risk Assessment Division
500 C Street, SW
Washington, DC 20472

**RE: Conditional Letter of Map Revision (CLOMR)
U.S. Highway 63 Reconstruction
Willow Creek and South Fork of Willow Creek
Olmsted County, MN**

Dear Sir or Madam:

Enclosed are two completed application forms and supplemental data for a Conditional Letter of Map Revision (CLOMR) for the proposed reconstruction of U.S. Highway 63 near 40th Street in Olmsted County. This CLOMR proposes modifications to the floodway and regulatory floodplain to accommodate: the proposed reconstruction of three crossings over Willow Creek, floodplain grading along Willow Creek, construction of a crossing over the South Fork of Willow Creek, and channelization of the South Fork of Willow Creek. Additional floodplain modifications were made to update and correct the Willow Creek floodway and floodplain upstream of 48th Street.

The location of the project is shown in Figure 1. The proposed project will involve reconstruction of approximately two miles of U.S. Highway 63, construction of an interchange at 40th Street and 48th Street, and reconstruction of 40th Street South, 48th Street South, and St. Bridget Road S.E. (CSAH 20). Figure 2 shows the project components. The project will affect the floodplain of Willow Creek as follows:

- The construction of Woodlake Drive SE will modify the extent of the floodplain.
- The U.S. Highway 63 bridge will be reconstructed and bridges will be constructed for the adjacent Commercial Drive SW and Woodlake Drive SE. These US 63 northbound and southbound bridges will replace the existing box culverts. The nearby Commercial Drive SW and Woodlake Drive SE. bridges will have the same cross-section as the new U.S. Highway 63 bridges.
- The proposed 40th Street bridge will have a nominal width of 120 feet and will be similar in cross-section to the Commercial Drive SW, U.S. Highway 63, and Woodlake Drive bridges except this bridge will have a single pier. The current 40th Street bridge is approximately 40 feet long. The current bridge only passes approximately 20 percent of the peak 100-year discharge; the remainder overflows 40th Street east of the bridge.
- A flood protection dike will be constructed upstream of the 40th Street bridge. This dike will protect ramp C and the land behind the dike. A pond and gravity storm sewer provide drainage on the back side of the dike.

- The Willow Creek floodplain between 40th Street and U.S. Highway 63 will be modified due to the construction of Commercial Drive SW and the berm on the north side of the creek. The berm on the north side of the creek will not be certified as a dike because it is not feasible to provide interior drainage for this area. Future structures at this location will be elevated above the Base Flood Elevations (BFEs)
- The proposed 48th Street crossing of Willow Creek is four 10 ft x 8 ft concrete box culverts with a nominal length of 138 feet. The existing Willow Creek crossing is three 10 ft x 8 ft box culverts. The construction will include adding length to the existing culverts and adding an additional culvert. The additional box culvert is needed to maintain flood stage as a result of the roadway being raised.

The project will affect the floodplain of the South Fork of Willow Creek as follows:

- 40th Street will be extended approximately 1,300 feet east of U.S. Highway 63 and into the floodway of the South Fork. A field road is currently located at the proposed 40th Street extension. The 40th Street crossing of the South Fork will be twin 8 ft x 4 ft concrete box culverts with a nominal length of 350 feet.
- The area upstream of the 40th Street box culverts will become a City of Rochester regional stormwater pond. This pond reduces the peak discharge through the culverts.
- The proposed relocation of St. Bridget Road (CSAH 20) will divide the east and west branches of the South Fork. The main branch will cross 40th Street in the twin box culverts (described above). The east branch crossing will be constructed during the future extension of 40th Street east of St. Bridget Road. This modification will shift the junction of the two branches from the upstream side of 40th Street to the downstream side of 40th Street.
- The South Fork channel will be reconstructed between approximately 800 feet and 1,600 feet upstream of 40th Street. The new channel is basically the east road ditch of Ramp F.
- The current St Bridget Road crossing of the South Fork will be removed. The road will be terminated east of the South Fork with a cul de sac.

The floodplain modifications include a footbridge that was recently constructed approximately 1,200 feet upstream of 48th Street. The recent modifications to the County Road 147 (11th Avenue SW) were also included. Modeling errors upstream of 48th Street were corrected. These modifications were included as requested by Bob Bezek, Minnesota DNR Area Hydrologist.

Hydraulic modeling of the project was performed using HEC-RAS. The HEC-RAS model for Willow Creek and the South Fork of Willow Creek was developed from the most recent HEC-2 model for this reach. Modifications were made to the model to reduce instability due to long distances between cross-sections and steep sections, correct overflow areas, and revise conveyance areas. The models are described further in Form 4.

172
U.S. Highway 63 Reconstruction - CLOMR

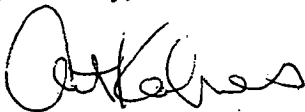
Page 3

October 10, 2000

The proposed floodway and floodplain modifications are shown the maps included with Form 5. These maps were based on the proposed conditions HEC-RAS model and recent topographic maps developed by Mn/DOT and the City of Rochester.

If you have any questions give me a call at (952) 881-0878 or e-mail me at akalmes@polarisgroup.com

Sincerely,



Art Kalmes

C: Bob Bezek, MnDNR Rochester
Suzanne Jiwani, MnDNR St. Paul
Scott Samuelson, Yaggy-Colby Associates
Richard Freeze, City of Rochester
Kay Bieniek, Olmsted County
Jai Kalsy, Mn/DOT



POLARIS GROUP

8200 HUMBOLDT AVENUE SOUTH . SUITE 302 . BLOOMINGTON, MN 55431 . 952.881.0878 . FAX: 952.881.0023

October 10, 2002

Ms. Suzanne Jiwani
Minnesota Department of Natural Resources
Department of Waters
500 Lafayette Road
St. Paul, MN 55155-4032

RE: Conditional Letter of Map Revision (CLOMR)
U.S. Highway 63 Reconstruction
Willow Creek and South Fork of Willow Creek
Olmsted County, MN

Dear Suzanne:

Enclosed is a copy of the Conditional Letter of Map Revision (CLOMR) application to the Federal Emergency Management Agency (FEMA) for the proposed reconstruction of U.S. Highway 63 near 40th Street in Olmsted County. This CLOMR proposes modifications to the floodway and regulatory floodplain to accommodate: the proposed reconstruction of three crossings over Willow Creek, floodplain grading along Willow Creek, construction of a crossing over the South Fork of Willow Creek, and channelization of the South Fork of Willow Creek. Additional floodplain modifications were made at the request of Bob Bezek, DNR Area Hydrologist, to update and correct the Willow Creek floodway and floodplain upstream of 48th Street.

The CLOMR application indicates the proposed floodway and floodplain modifications and provides the technical information to support them. These modifications are further described in the cover letter attached to the CLOMR application. The map provided with the cover letter shows the project components.

The CLOMR application proposes modifying the floodway. As a result, the State must approve the revised floodway before FEMA will issue the CLOMR. Please review this CLOMR application and provide written approval. If you have any questions related to the information contained in this CLOMR please contact me (952.881.0619) or Tom Johnson (952.881.6853). General questions related to the proposed project can be directed to Jai Kalsy, MnDOT project manager, at (507) 529-6321.

Sincerely,

Art Kalmes, P.E.

C: Bob Bezek, MnDNR

174

NOTICE OF INTENT TO CHANGE BASE FLOOD ELEVATIONS AND FLOODWAY LOCATIONS PUBLISHED IN THE FLOOD INSURANCE STUDY (FIS) AND SHOWN ON THE FLOOD INSURANCE RATE MAP (FIRM) FOR WILLOW CREEK AND THE SOUTH FORK OF WILLOW CREEK IN THE VICINITY OF US HIGHWAY 63, 40TH STREET SW AND 48TH STREET SW, CITY OF ROCHESTER, OLMSTED COUNTY, MINNESOTA.

WHEREAS, it is a requirement of 44 CFR, Section 65, that public notice is provided of potential changes to the FIS and FIRM before the changes may be adopted by the Federal Emergency Management Agency (FEMA); and

WHEREAS, information submitted to FEMA indicates that Base Flood Elevations (100-year) will change from those published in the FIS Olmsted County, Minnesota and Incorporated Areas, February 4, 1998. In addition, the designated floodway of Willow Creek and the designated floodway of the South Fork of Willow Creek published on the FIRM Olmsted County, Minnesota and Incorporated Areas, April 17, 1995, Panels 303 and 304, will be modified in the vicinity of US Highway 63 and 40th Street SW. The proposed changes in the Base Flood Elevations and the floodway location are due to the effects of the proposed construction of four 120 foot long bridges on Willow Creek at Woodland Avenue, north bound and south bound lanes of U.S. 63, and Commercial Drive; proposed construction of a 120 foot bridge on Willow Creek at 40th Street SW; proposed levee construction; proposed channelization; proposed construction of twin 8 foot by 4 foot box culverts on the South Fork of Willow Creek at 40th Street SW; and proposed construction of four runs of 10 foot by 8 foot box culverts on Willow Creek at 48th Street SW. Additionally, changes in the Base Flood Elevations are proposed to reflect the current twin 12 foot by 8 foot culverts on Willow Creek at County Road 147 and the 68 foot long footbridge located approximately 450 feet downstream of County Road 147;

NOTICE IS HEREBY GIVEN that properties located in the SE 1/4 Section 23, NW 1/4 NW 1/4 Section 25, Section 26, NE 1/4 Section 27, SE 1/4 Section 27, NE 1/4 Section 34, NW 1/4 Section 35 of Rochester Township (T106N, R14W) may be affected by the proposed changes.

Interested persons may contact Jai Kalsy, MnDOT Project Manager at (507) 529-6321 or may review the application for the Conditional Map Revision at the MnDOT District 6 office at 2900 48th Street NW, Rochester, MN 55901 by appointment before November 15, 2002

175

Certification of No Impacts to Insurable Structure

A comparison of the modeled Base Flood Elevations (BFEs) for existing and proposed conditions indicates that the proposed project will result in an increase in the BFE at the following locations:

Willow Creek

- Between 0 and 50 feet upstream of the proposed Commercial Drive SW bridge at Willow Creek
- Between approximately 500 feet and 1400 feet upstream of the proposed 40th Street bridge at Willow Creek
- Between 0 and 50 feet downstream of the proposed 48th street culverts at Willow Creek

South Fork of Willow Creek

- Between 0 and approximately 800 feet upstream of proposed 40th Street culverts

A truck stop is presently located southeast of the present U.S. 63/40th Street intersection (between the South Fork of Willow Creek and U.S. 63). This property will be purchased and the truck stop will be demolished to allow construction of the interchange and Ramp F.

A comparison of modeling of the Base Flood Elevations for existing and proposed conditions indicates that the BFEs will increase between 0 and 1,800 feet upstream of the existing County Road 147 crossing at Willow Creek as a result of corrected modeling of this reach. The increase in the flood elevations at this location is not the result of the proposed project.

I have reviewed the locations where BFE increases will occur as a result of this projects and certify, based on a review of development plans, survey results, and field inspection, that there are no insured structure in these areas that will be impacted.

Signature: Daniel J. Schiefert

Printed Name: DANIEL J. SCHIEFERT

Reg No. 8955 Date: 10/09/02

176

Form 3, Attachment 1 Reason for New Hydrologic Analysis

A precipitation / runoff model was developed for the South Fork of Willow Creek. No hydrologic model of the South Fork is known to exist. The FIS indicates that the South Fork of Willow Creek discharge rates were determined using "drainage area-discharge relationships."

The hydrology was revised for four reasons:

- 1. Errors in FIS hydrology.** The South Fork of Willow Creek drains approximately 640 acres to Willow Creek. The main branch of the South Fork of Willow Creek drains a watershed area of 456 acres. The east run of the South Fork of Willow Creek drains 186 acres. The branches join just south (upstream side) of the field road which will become part of the 40th Street extension. The FIS hydraulic model does not accurately model the flow conditions, since it includes the discharge from the east run of the South Fork in the main branch of the South Fork of Willow Creek.
- 2. The proposed construction of St. Bridget's Road will further separate the South Fork of Willow Creek from the east run of the South Fork of Willow Creek.** The two branches will join north (downstream) of 40th Street. The South Fork of Willow Creek and the east run of the South Fork will be conveyed under 40th Street in separate culverts. Each culvert needs to be designed using the correct discharge.
- 3. The 132-acre watershed area west of Highway 63 will be drain into a pond and through a culvert into the main branch of the South Fork of Willow Creek.**
- 4. Construction of a regional storm water pond south of 40th Street.**

A diskette with the hydrologic model input files, the hydrologic model output and backup data, and a further detailed explanation of the hydrology is attached to this form.

177

4. Dedication of parkland shall be met via deferred land dedication, as recommended by the City Park & Recreation Department in the attached memo, dated February 20, 2003.

* Zoning District Amendment #03-05 by the Minnesota Department of Transportation to amend the Floodway and Flood Fringe boundaries and related 100 Year Flood Protection Elevations for a portion of Willow Creek starting at approximately 1650' north of and downstream of the flood control structure WR-6A to a point approximately 1700' feet east of and downstream of the TH 63 right of way.

Mr. John Harford presented the staff report, dated February 25, 2003, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

Mr. Harford showed the FEMA flood panel of the area and described the proposed changes.

Ms. Wiesner stated that, on other side of the bridge at 40th St., SW, there is a regional storm water area. She asked if the area had been purchased.

Mr. Harford responded that he did not think it had been.

Mr. Harford stated that Mr. Tom Hexum gave him a general development plan for Maine Street showing a city pond.

Discussion ensued regarding which properties MnDOT had control of.

Ms. Wiesner expressed concern with MnDOT not having ownership of property that they are approving changes on. She stated that she was opposed to specifying what certain areas would be used for.

Mr. Harford stated that the CLOMR would be preliminary approval. The zoning map would not be amended to reflect the new boundaries right away or permits issued until approved by the City and FEMA. He explained that the City Council would see any changes in design occurring within the corridor.

Ms. Wiesner asked if the Commission would see the plans after this meeting.

Mr. Harford responded no.

Mr. Haeussinger asked if the culverts going under the present 63 interchange would be changed.

Mr. Harford responded yes.

Mr. Bill Lesmeister of, 1615 4th Avenue SW, Rochester MN, addressed the Commission. He stated that he served on the Transportation Chamber of Commerce. He stated that the Prow property is currently in litigation. He stated that it would hold up the 40th Street overpass. He questioned where the water flow would go.

Mr. Tom Hexum, of 1002 North Broadway, Rochester MN, addressed the Commission. He showed where the pond would be located on his property. He explained that, in 1998, Don Prow and Barr Engineering had everything south of 40th Street removed from the floodway and flood fringe. He stated that he spent a considerable amount of money to do so. However, now it is proposed to be put back into the floodway and flood fringe.

Mr. Hexum stated that he met with MnDOT and Art Kalmes and believes that his circumstance is rectified. Len Kramer, of Barr Engineering, told him that the topography used to develop the mapping is not reflective of the development that has occurred over the past 2-3 years. Therefore, there needs to be corrections to the flood plain and floodway limits.

Ms. Wiesner asked Mr. Hexum if he opposed the proposed zoning district amendment.

Mr. Hexum explained that he didn't agree with it, since he paid a lot of money to Barr Engineering to take it out of the flood fringe and floodway. However, his consultants have told him that he will approve of the end result. He indicated that he would work out his differences with the consultants. He is comfortable with the project after speaking with Art Kalmes and Barr Engineering.

Mr. Art Kalmes, of Polaris Group Consulting Engineers (8200 Humboldt Avenue South, Bloomington MN), addressed the Commission. He explained that the design before the Commission was based on the mapping they had available to them. However, they are finding that new information needs to be used. He indicated that he would gain information from MnDOT to update the maps. He explained that the topography used was data from the 2000 aerial photos, which didn't take into consideration grading from then.

Mr. Kalmes stated that the project would be staged such that there won't be any restrictions that would exceed the 100-year flood elevation shown. He indicated that the CLOMR has to be approved before modifications can occur in the floodway.

Mr. Kalmes stated that they were requested by the DNR to correct the mapping upstream from 48th Street because there were some inaccuracies above 48th Street. Even though the project did not affect it, they decided to make the changes to the hydraulic model and mapping. In the process of correcting the model, they found that the culverts under 11th Street were larger than the maps and model showed.

Ms. Wiesner stated that the pond would be in the SW quadrant. She questioned how they could delineate that area if they property had not be purchased yet.

Mr. Kalmes responded that FEMA and a lot of the state and local flood plains rules and regulations require them to gain approval if they are doing something that expands the flood plain on someone's property. If it reduces it, they do not need approval if they are making the situation better. The proposed mapping is not the final map. If there were changes to the project, the final map would reflect it. Therefore, if MnDOT is not able to acquire the right-of-way to build the pond where located, it would not be mapped in the flood plain.

Mr. Harford explained that the Commission would be approving a boundary for the 100-year flood plain not a stormwater pond.

Discussion ensued regarding what would happen if land were not acquired.

Ms. Rivas questioned if the proposed map needed to have additional changes with regard to changes made from the data the consultant used.

Ms. Rivas stated that, if the proposed map is not accurate, the Commission could make a recommendation that the map be amended prior to appearance before the City Council instead of approving the request.

Mr. Harford responded that any changes that needed to be made to the map would be made prior to going to the City Council. He identified the two areas that needed attention prior to submitting the application to the City Council, one being the Hexum property east of US 63 and south of 40th St., and the Floodway designation south of 48th St., SW.

A representative of MnDOT, Mr. Jai Kalsy (2900 48th Street NW, Rochester MN) addressed the Commission. He stated that, although the applicant is MnDOT, the project is a joint cooperative effort between the State, City, and County.

Ms. Baker clarified that the Commission is being asked to support the concept of changing the maps to reflect the proposed project. The City Council would not be asked to take action to adopt a formal Ordinance changing the maps until after the construction of the project and after the as-builts are approved by FEMA and FEMA approves changing the maps. She explained that the project is being reviewed by the Commission at this time so that MnDOT would know if there is a general support from the community.

With no one else wishing to be heard, Ms. Wiesner closed the public hearing.

Mr. Haeussinger expressed concern with where the lines should be drawn and what should actually be approved.

Ms. Rivas moved to recommend approval of Zoning District Amendment #03-05 by the Minnesota Department of Transportation with the recommendation that special attention be made to two areas one the Hexum property and the other the Floodway of Willow Creek south of 48th St. SW prior to Council approval. Ms. Petersson seconded the motion. The motion carried 7-1, with Mr. Haeussinger voting nay.

Zoning District Amendment #03-06 by Dallas Backhaus requesting to amend the zoning district for approximately 20.09 acres from the R-1 (Mixed Single Family) district, to the R-1X (Mixed Single Family Extra) district. The property is located along the south side of 20th St. SE, east of Marion Road and south of 20th St./37th Ave. SE intersection. A General Development Plan is being considered concurrent with this application.

AND

General Development Plan #203 by Dallas Backhaus to be known as Wildwood Meadow. The applicant is proposing to develop property located east of Marion Road and south of the intersection of 20th Street and 37th Ave SE with single family attached housing, served with public roadways. The property includes approximately 20 acres of land, over half of which is currently designated Floodway. A zoning district amendment is being considered concurrent with this application.

Ms. Mitzi A. Baker presented the staff reports, dated March 6, 2003, to the Commission. The staff reports are on file at the Rochester-Olmsted Planning Department.

12